



State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-3501 FAX (603) 271-6683



Grace Comeau  
99 Route 125  
Kingston, NH 03848

RE: Harold's Grove Campground

**ADMINISTRATIVE ORDER**

**No. WD 2001-09**

February 20, 2001

**A. INTRODUCTION**

This Administrative Order is issued by the Department of Environmental Services, Water Division to Grace Comeau pursuant to RSA 485-A:42. This Administrative Order is effective upon issuance.

**B. PARTIES**

1. The Department of Environmental Services, Water Division ("DES"), is a duly constituted administrative agency of the State of New Hampshire, having its principal office at 6 Hazen Drive, Concord, NH 03301.
2. Grace Comeau is an individual having a mailing address of 99 Route 125, Kingston, NH 03848.

**C. STATEMENTS OF FACTS AND LAW**

1. RSA 485-A:29-44 authorizes DES to regulate the subdivision of land and the construction, maintenance, and repair/replacement of individual subsurface sewage disposal systems ("septic systems") thereon. Pursuant to the rulemaking authority conferred thereby, the Commissioner of DES has adopted Env-Ws 1000 to implement this program.
2. RSA 482-A:29 requires plans to be submitted for approval by DES for subdivisions and septic systems.
3. Env-Ws 1005.12(e) requires recreational campgrounds to obtain subdivision approval to ensure that the site is capable of handling the volume of wastewater proposed to be discharged thereto. Env-Ws 1005.12(a)-(c) requires recreational campgrounds to provide septic systems for all sites at which pressurized water hook-ups are available and to provide appropriate means for sanitary waste disposal at all other sites. Env-Ws 1005.12(d) provides that campgrounds in operation prior to September 5, 1990 must comply with these requirements no later than September 5, 2000.
4. Grace Comeau is the owner of a recreational campground or camping park located at 99 Route 125, Kingston, NH, more particularly described in Town of Kingston tax maps as

Map#R-10, Lot #5 ("the Property")

5. According to DES records, the Property has 60 long-term sites, none of which has received subdivision approval.
6. According to DES records, none of the sites at the Property has been provided with DES-approved septic systems or other appropriate means of sanitary waste disposal.
7. On May 9, 2000, DES notified Grace Comeau by certified letter, return receipt requested, that DES records indicated that the Property contained no campsites served by DES-approved septic systems.
8. By certified letter dated September 22, 2000, DES notified Grace Comeau of the need to comply with Env-Ws 1005.12. To date, DES has received no application for subdivision or for any septic systems for the Property from or on behalf of Ms. Comeau.

#### **D. DETERMINATION OF VIOLATIONS**

1. Grace Comeau has violated RSA 485-A:29 by failing to obtain subdivision approval for the Property.
2. Grace Comeau has violated RSA 485-A:29 by failing to obtain construction and operational approval for septic systems for the campsites at the .

#### **E. ORDER**

Based on the above findings, DES hereby orders Grace Comeau as follows:

Immediately cease operation of all campsites at the Property

2. Obtain subdivision approval for the Property from DES by February 28, 2001
3. Obtain construction approval for all campsites at the Property by March 15, 2001
4. Obtain operational approval for all septic systems for the Property by April 10, 2001
5. Send correspondence, data, reports, and other submissions made in connection with this Administrative Order, **other than appeals**, to DES as follows:

Richard J. de Seve, Compliance Supervisor, Subsurface Systems Bureau  
DES Water Division  
P.O. Box 95, 6 Hazen Drive  
Concord, NH 03301  
Fax: (603) 271-6683  
e-mail: [rjdeseve@des.state.nh.us](mailto:rjdeseve@des.state.nh.us)

### F. Appeal

Any person aggrieved by this Order may appeal the Order to the Water Council by filing an appeal that meets the requirements specified in Env-WC 200. Copies of the rule are available from the DES Public Information Center at (603) 271-2975 or at <http://www.des.state.nh.us/desadmin.htm>. Appealing the Order does not automatically relieve Grace Comeau of the obligation to comply with the Order.

### G. OTHER PROVISIONS

Please note that RSA 485-A:43, IV provides for civil and criminal penalties, and administrative fines for the violations noted in this Order, as well as for failure with this Order.

This Order is being recorded in the Rockingham County Registry of Deeds so as to run with the land.

Please be advised that, if you fail to obtain the approvals cited in Section E. Order above by the April 10, 2001 deadline, DES will request that the New Hampshire Department of Justice seek an injunction in the Rockingham County Superior Court to prevent the opening of the Harold's Grove Campground in 2001.

  
**COPY**

Harry T. Stewart, P.E., Director  
Water Division

  
**COPY**

Robert W. Varney, Commissioner  
Department of Environmental Services

RWV/HTS/RJD

Certified Mail/RRR/P\_\_\_\_\_

cc: Michael Walls, Esq., NHDOJ

Gretchen Rule, Esq., DES Enforcement Coordinator

Public Information Officer, DES PIP Office

Board of Selectmen, Town of Kingston

Rockingham County Registry of Deeds